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CSCE DIGEST



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NCSJ HONORS COMMISSION



On behalf of the Helsinki Commission, Co-Chairman Steny Hoyer receives the Light of Freedom Award from Shoshana Cardin, Chair of the National Conference on Soviet Jewry. The Helsinki Commission was presented the award for "its exemplary contributions to the Soviet Jewry movement." Also pictured from left to right are: Denis Braham, head of the CSCE Committee of the National Conference; Ambassador Samuel Wise, Commission Staff Director; Shoshana Cardin; Co-Chairman Hoyer; and former Chair of the Helsinki Commission and current Helsinki Commissioner, Congressman Dante Fascell. Also in attendance, but not pictured, was Commissioner Frank Lautenberg.

COMMISSION DELEGATION WITNESSES ELECTION OF FIRST NON-COMMUNIST PRIME MINISTER IN POST-WAR EASTERN EUROPE

Helsinki Commission Chairman Dennis DeConcini (D-AZ) led a delegation to Poland from August 22-26. Members of the delegation included Senator Frank Lautenberg (D-NJ), a Helsinki Commissioner; William Fritts, Department of Commerce Commissioner-designate; and Representatives Bob McEwen (R-OH) and Jim Moody (D-WI).

The delegation began their trip in Gdansk by meeting with Solidarity Chairman Lech Walesa. Walesa tried to impress upon the delegation that money channeled to Poland should not be viewed as aid but as an investment. He asserted that Poles have accumulated millions of dollars worth of hard currency in their mattresses. With a reliable bank in which to put this money, preferably one run by Americans, and Poland's skilled labor force, Walesa argued that Poland would present excellent opportunities for foreign businesses.

Although the labor leader-turned-statesman emphasized Poland's need for rapid economic reform, he did not underestimate what the opposition has achieved so far in the political realm. "We have lifted the iron curtain," he said, "but we cannot hold it up alone: we need your help."

The delegation remained in Gdansk for a tour of the Lenin shipyards, the birthplace of the Solidarity movement, led by Mrs. Barbara Piasecka-Johnson. Mrs. Piasecka-Johnson has signed a letter of intent to purchase from the Polish Government the controlling interest in the shipyard, and is in the process of conducting a feasibility study to determine how best to reorganize the landmark enterprise. Many people, in Poland as well as the rest of the world, believe that the success or failure of this undertaking will point the way for future projects.

In Warsaw, the delegation attended a session of the *Sejm* (lower House) in which Tadeusz Mazowiecki, a devout Catholic and senior advisor for Solidarity, was elected Prime Minister by a vote of 378 to 4, with 41 abstentions—receiving a comfortable margin over the 212 votes necessary to win. Meeting with Mazowiecki after his election, the new Prime Minister urged the members to help Poland with its transition to democracy, adding, "He who helps early helps twice."

The delegation also met with Speaker of the *Sejm* Mikołaj Korzekiewicz, a member of the Peasants Party, and Jerzy Jozwiak, Chairman of the Democratic Party. Historically, these two small parties have been subservient to the Polish United Workers Party (the Communist Party), but in a surprise move last month, they threw their support to Solidarity, making the election of Mazowiecki possible.

Prior to leaving Warsaw, the delegation met with members of the Helsinki Committee in Poland, an independent human rights organization which has monitored Poland's compliance with the Helsinki Accords since 1978. Up until last year, this organization continued to operate in secret in order to protect its members. The Committee indicated it will continue to lobby the new non-Communist government to persevere in its struggle for human rights.

The delegation's final stop was in Krakow, from where they visited the death camps at Oswiecim (Auschwitz) and Brzezinka (Birkenau). Also in Krakow, the delegation met with representatives from several Polish environmental organizations. The delegation passed on to these representatives information regarding the next CSCE meeting, which will focus on environmental issues and is to be held in Sofia, Bulgaria, this October.



The Helsinki Commission delegation pauses at the Gdansk headquarters of Solidarity. The billboard's campaign message reads: "I choose Solidarity." The members of the delegation, from left to right, are: Commissioner Frank Lautenberg; Ms. Ellen Lautenberg; Representative Jim Moody (D-WI); Commission-designate William D. Fritts, Jr., Assistant Secretary of Commerce; Representative Bob McEwen (R-OH); Mr. John Boris, U.S. Embassy Warsaw; Mrs. Susan DeConcini; Chairman Dennis DeConcini; Mr. William Norvil, U.S. Embassy Warsaw; and Helsinki Commission Staff Director, Samuel Wise.

JULY 12 SOVIET PSYCHIATRIC PRACTICES HEARING

On July 12, the Commission held a hearing on Soviet psychiatric practices with members of the official U.S. delegation that visited Moscow and Leningrad last February and March in order to interview former and current Soviet psychiatric patients, whose names had been culled from Western and Soviet lists of Soviet political prisoners. The delegation, led by William Farand, Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs, was primarily composed of psychiatric and forensic experts.

At the hearing, the delegation released a report of its findings and recommendations. This report is important in light of two issues: first, the U.S. Government's decision to accept Moscow as the site of the 1991 Conference on the Human Dimension (CDH), provided that the Soviets fulfill certain conditions prior to that meeting, including the release of all political prisoners; and, two, the upcoming vote at the October 12-19 Congress of the World Psychiatric Association (WPA) over whether to grant full readmission to the Soviet All-Union Society of Psychiatrists and Narcologists. Facing almost certain expulsion from the WPA because of its continuing abuse of psychiatry for political purposes, the Soviets voluntarily withdrew from the organization in 1983. This summer, the WPA gave the Soviets provisional readmission. The following are excerpts from the hearing:

"Kiev psychiatrist Semyon Gluzman (wrote) in a letter to Western colleagues: 'I don't understand how one can accept back into the WPA people who tortured in the past and do not acknowledge it today.'"

Dr. Loren Roth, U.S. Delegation Psychiatric Team leader; Professor of Psychiatry, University of Pittsburgh School of Medicine:

"While in the USSR, the delegation interviewed 15 hospitalized and 12 recently released persons, all but 2 of whom were drawn from its original list of 48 patients. The original U.S. list of 48 hospitalized and released patients was drawn from master lists of possible and likely abuse cases assembled by the U.S. Department of State and the American Psychiatric Association (APA), which reviewed lists from a number of human rights organizations, including those of Soviet human rights activists."

Dr. Darrel Regier, U.S. Delegation Scientific Director; Director, Division of Clinical Research, National Institute of Mental Health:

"Of those (48), 37 were hospitalized. (A)fter the submission of this list only 13 of the original 37 patients were still in the hospital when we arrived in the Soviet Union. We saw those 13, plus we added another 2 hospitalized patients. Then we saw 12 discharged patients, who had been discharged over the previous 2 years. We had a total of 27 completed interviews."

"Among the 15 hospitalized patients, who were alleged dissidents, the U.S. team found evidence of a severe psychotic or personality disorder in 10 of the patients, or two-thirds. These diagnoses generally corresponded with those of the Soviet psychiatrists. Five of the hospitalized patients were found to have no mental disorder. Of particular concern were the five patients for whom we found no psychiatric diagnosis, particularly one, who was admitted as recently as December 1988 with a diagnosis of schizophrenia, following his involvement in an intense period of human rights political activity. Because he was on the psychiatric register, which is an official list of all patients who have had treatment in the past, it had been possible to re-hospitalize him quickly without any legal hearing."

"The U.S. delegation has now received confirmed reports that this (person) and three of the other five patients have (since) been released. The final hospitalized patient has been trans-

ferred from a maximum security special psychiatric hospital (SPH) to an ordinary psychiatric hospital."

"Among the 12 released patients that we interviewed, the U.S. team found no evidence of any past or current mental disorder in 9. The remaining 3 had relatively mild symptoms that would not typically warrant involuntary hospitalization in the West."

"The broad Soviet concept of mental disorder diagnosis, in general, and schizophrenia, in particular, was apparent in the medical records of these patients. Schizophrenia or other psychotic disorders had been diagnosed in 24 of the 27 patients interviewed. It was impressive that Soviet psychiatrists, interviewing the same patients with the U.S. team, found only 9 such diagnoses, which closely matched the U.S. assessments."

"The second major area that we addressed was psychiatric treatment. Medical records and the patient interviews provided evidence that relatively high doses of antipsychotic medication had been given to some patients who showed no evidence of psychosis. The medication had been used to treat the 'delusions of reformism' or 'anti-Soviet thoughts.'"

"Also, Soviet psychiatrists have used sulfazine treatment, a painful treatment of no known therapeutic benefit in the West, ostensibly to enhance treatment responses to antipsychotic medication. However, the severe pain, immobility, fever, and muscle necrosis produced by this medication, as well as the pattern of its use in 10 patients, suggested that it had been used for punitive purposes."

"In the Soviet response, we were advised that the Ministry of Health has now proposed a ban on all future use of sulfazine and atropine therapy."

"If a repressive leader were to replace Mr. Gorbachev and/or if a crackdown on reformers and dissidents of the type recently seen in China were to take place, then the system in psychiatry could again start 'processing' large numbers of victims without difficulty."

Dr. Roth: "... (T)he delegation found that almost all of the released patients had been hospitalized as a result of political or dissident behavior; for example, writing and distributing anti-Soviet literature, aiding nationalist aspirations, or political organizing. The extent of mental disorder manifested by these persons could not be used to sustain a finding in the United States or their being non-imputable, or (in other words) not guilty by reason of insanity."

"Persons examined also told the delegation that they were not accorded rights already specified in Soviet Codes of Legal Procedures; for example, to play a role in the process of investigation, to learn about the charges against them, to receive investigative and forensic reports, or to be present at their trials."

"Notwithstanding the partially implemented transfer of jurisdiction over the SPHs from the Ministry of the Interior to the Ministry of Health . . . these facilities continue to have many characteristics of psychiatric prisons. Patients are denied basic rights, are apparently subject to punitive use of medication, and are fearful of retaliation if they complain about their treatment, about abusive conduct by the staff, or restrictive hospital rules. In brief, the transition to a more humane regime at the SPHs has just begun."

"Concerning removal of diagnoses, the delegation supports continued reevaluation of the medical indications for placing or retaining patients on the psychiatric register. To prevent their psychiatric histories from stigmatizing persons who are not mentally ill, diagnoses should be removed to facilitate the reintegration of these persons into society."

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(Soviet Psychiatric Practices Hearing—continued)

Professor Peter Reddaway, Hospital Site Visit Team, U.S. Delegation; Professor of Political Science and International Relations, Institute for Sino-Soviet Studies, George Washington University:

"(S)ince early 1987 the long-standing leaders of Soviet psychiatry have been fighting to preserve their power in the epoch of perestroika, or restructuring. These leaders know that if they were to allow serious reform, it would soon sweep them away. For this reason, reform in Soviet psychiatry has, to date, been limited in declared intent and even more limited in practice.

"As regards the system of political abuse, its most visible manifestation, hospitalized dissidents, whose cases are known in the West, has now been largely removed by the convenient device of suddenly declaring them cured and releasing them. But the system's infrastructure remains in place, and . . . some dissidents previously unknown abroad remain interned and new internments are sporadically occurring.

"Notwithstanding the partially implemented transfer of jurisdiction over the Special Psychiatric Hospitals from the Ministry of the Interior to the Ministry of Health... these facilities continue to have many characteristics of psychiatric prisons."

"Just as important, if a repressive leader were to replace Mr. Gorbachev and/or if a crackdown on reformers and dissidents of the type recently seen in China were to take place, developments which could occur in the next few years, then the system in psychiatry could again start 'processing' large numbers of victims without difficulty.

"... (A) timid start has been made to reform, but it has been imposed on a resistant, hostile, and defensive Ministry of Health by politicians. The Establishment is just holding the line and is fighting hard, mostly with success. . . . (I) If the (Soviet psychiatric leadership) were to be removed or transferred to professorships, this would be the key development which could lead to real reform taking place in Soviet psychiatry.

"Dissidents like Alexander Podrabinek have . . . taken the view that Soviet readmission to the WPA would be premature. This view has now been argued by the Kiev psychiatrist Semyon Gluzman in a letter to Western colleagues. The bottom line of this eloquent . . . appeal is, 'I don't understand how one can accept back into the WPA people who tortured in the past and do not acknowledge it today.'"

Dr. Robert van Voren, General Secretary, International Association on the Political Use of Psychiatry:

"There are many reasons why the view that the political abuse was not more than some incidental diagnostic mistakes by individual psychiatrists is pure nonsense. Many dissenters

were diagnosed by the most experienced psychiatrists, among them professors from the Serbsky Institute, who knew perfectly well that their patients were sane. Second, the percentage of mentally ill among political prisoners is unbelievably high. In the 1960's and 1970's, almost one-third of all those arrested for political reasons were interned in psychiatric hospitals. In some cases, a collective diagnosis was made, which is scientifically impossible.

"Also the ways in which a mentally ill political prisoner could ensure a discontinuation of treatment are quite extraordinary. The KGB regularly proposed (a patient's) release from a hospital in exchange for a renunciation of earlier views or a promise not to continue human rights activities. Patients who recanted suddenly found themselves to be mentally healthy again and were sometimes used for radio or television broadcasts.

"It is our strong belief that a return of the All-Union Society of Psychiatrists of the USSR to the WPA under these circumstances would not be helpful in cleansing Soviet psychiatry. In fact, it would hamper such a process.

"However, if the WPA puts firm conditions to the return of the All-Union Society of Psychiatrists, the present leaders would be replaced by more ethical ones, psychiatrists of a younger generation, sick and tired of these abusive practices and the effects that they have on their scientific contacts with the outside world. Such a process is very unlikely under current circumstances.

"Postponement of readmission until the next World Congress of the WPA, to be held in 3 or 6 years from now, would put a strong enough pressure on the Soviets to realize effective changes desired. In fact, there is a unique agreement of opinion (among Soviets, including psychiatrists and human rights activists) regarding this issue: a return of the All-Union Society of Psychiatrists to the WPA would prevent a major and very necessary overhaul in Soviet psychiatry."

Professor Reddaway: "A number of individuals and groups have tried to make a checklist of conditions which would improve the situation and would be the sort of checklist they would want to see fulfilled if the Soviets were to be readmitted to the WPA. I will mention these: first, a release of all known dissidents, religious, political, and others, from mental institutions; second, the psychiatric and also social rehabilitation of formerly interned dissidents; and third, the improvement of legislation so that there would be an effective and immediate right of appeal to a court, something that is not provided for satisfactorily by the present legislation. Fourth, an effective monitoring system should be set up, which would be made up not only of doctors and lay people inside the Soviet Union, but would also have an international element to it. Finally, there is no hope whatever of making significant further advance until the present leaders of Soviet psychiatry are removed and discredited and there has been official condemnation, both by the psychiatric profession in the Soviet Union and by the political leaders, of the political abuse of psychiatry."

to close the camp down," said Wolf. "It's a terrible place and ought not to be in existence."

In addition to the Perm trip, Wolf and Smith also visited with religious activists in Moscow and members of the Soviet All-Union Council of Religious Affairs. While these activists are encouraged by the broader range of religious activities the Soviet Government currently tolerates, they are, nevertheless, concerned by the still unfulfilled government promise to liberalize religious legislation, and by the overall fragility of *perestroika* and *glasnost*.

Prior to their departure for Perm, Wolf and Smith visited a number of Soviet officials involved in prison administration and human rights. During talks with members of the All-Union Procuracy, they raised the issue of prison conditions and sought permission for regular visits to the camps by U.S. prison officials, the Red Cross, and other private organizations involved in prison reform.

COMMISSIONERS WOLF AND SMITH VISIT PERM LABOR CAMP

On August 9-10, Helsinki Commissioners Frank Wolf and Chris Smith became the first U.S. lawmakers to visit the Perm labor camp complex in the Soviet Urals, where a number of alleged political prisoners are incarcerated. Accompanied by State Department official Richard Stephenson, the two Commissioners interviewed 23 prisoners at the camp complex and met separately with Mikhail Kazachov, who, at that time, was being held in the Perm city detention center awaiting retrial. On August 22, Kazachov was ordered by administrative decision to be transferred to the harsher regime prison at Chistopol because of his refusal, in protest against camp conditions, to work at the Perm camp.

Commissioners Wolf and Smith called upon Soviet authorities to close down the Perm camp as a sign of their stated intention to humanize the Soviet legal and political system. "They ought

CSCE MEETING ON THE ENVIRONMENT SCHEDULED FOR SOFIA IN MID-OCTOBER

On October 16, the participating States in the CSCE will convene in Sofia, Bulgaria, for a 3-week meeting on protection of the environment. While the meeting will focus on the areas of industrial accidents, hazardous chemicals, water pollution, and public awareness of environmental problems, it is also expected to examine human rights issues. Of particular concern to the United States and other delegations will be the Bulgarian Government's forced assimilation campaign against the country's ethnic-Turk minority, which culminated in this summer's mass exodus of over 300,000 ethnic Turks to Turkey.

The U.S. delegation will be led by Richard J. Smith, Principal Deputy Assistant Secretary of States for Oceans and International Environmental and Scientific Affairs, and will include officials from the State Department and the Environmental Protection Agency as well as members of the Helsinki Commission staff.

In addition to airing Bulgarian human rights violations, the United States intends to focus on the work of independent groups, organizations and individuals seeking better protection of the environment. In the Vienna Concluding Document, the CSCE States "acknowledged the importance of the contribution

of persons and organizations dedicated to the protection and improvement of the environment" and committed themselves to allow these groups and individuals to express their concerns. In the Soviet Union and the East European countries, an increasing number of independent groups and individuals are speaking out about the destruction of the environment in their countries and around the world, and the Sofia meeting will likely address their ability to assemble, associate, and express their views, as well as to develop and maintain contacts with environmental organizations in the West.

A related issue is that of public and media access to the Sofia meeting itself. As with previous CSCE meetings, a number of non-governmental organizations and private individuals will most likely attend the Sofia meeting in order to make their concerns known to the delegates. The Vienna Concluding Document commits the Bulgarian Government to permit this access and to tolerate the activities of these organizations and individuals, including media representatives, in keeping with the practice of the Vienna Follow-Up Meeting and other CSCE fora. Existing restrictive Bulgarian practices regarding independent activity and the freedom of expression have raised concern that the Bulgarian authorities may renege on this commitment.

COMMISSION STAFFERS OBSERVE BALTIC DEMONSTRATIONS MARKING 50TH ANNIVERSARY OF MOLOTOV-RIBBENTROP PACT

In preparation for a report on the current political and social situation in the Baltic States, two Commission staff members traveled to the Baltic capitals of Vilnius, Riga and Tallinn in August. In meetings with Popular Front activists, People's Deputies, environmentalists, media and cultural figures, and Central Committee members, discussion centered on heightened popular demands and their implications for the future of the Soviet Union.

At the heart of the Baltic issue is the secret protocol to the 1939 Molotov-Ribbentrop Pact. This protocol, kept from the public eye for almost 50 years, led to the incorporation of Lithuania, Latvia and Estonia into the Soviet Union in 1940. The United States has never formally recognized the incorporation of the Baltic States into the USSR, and, under international law, Estonia, Latvia and Lithuania remain independent States.

Although Moscow now officially recognizes the existence of the secret protocol, Kremlin authorities still maintain that the then-independent Baltic States voluntarily joined the Soviet Union in 1940. Baltic activists cite international law as the basis for assertions that the secret protocol, and the later annexation and occupation, are illegal. Baltic Popular Fronts have gained widespread support for their demands that Moscow renounce the pact and grant the three countries the right to self-determination.

After losing as much as one-third of their populations during Stalinist repressions and deportations, the Baltic peoples feel they need bulwarks against further demographic encroachments by other nationalities. The specter of ultimate assimilation is the primary impetus for the Baltic drive for greater independence.

Demographic realities vary among the three Baltic States. Whereas Lithuania's population is 80 percent Lithuanian, Latvians are a minority of 48 percent in their own country, and Estonians constitute only 60 percent of the overall population of Estonia. Despite such differences, and the varied programs that result, Baltic unity was demonstrated on August 23 when a human chain of close to 2 million people stretched across the three States to mark the 50th anniversary of the signing of the Molotov-Ribbentrop Pact.

Baltic activists stressed it was "now or never" for the survival of their unique cultures. The movement's first success was in its

campaign for official language status and the restoration of the flags and anthems of the independent States of Lithuania, Latvia and Estonia. Along with this cultural/national awakening, this early phase was marked by environmental activism. All over the Baltic States, people began to speak out against the ecological disasters emanating from factories under Moscow's control. This focus on major environmental threats developed into a well-organized Green movement in each of the Baltic States. It also encouraged people to speak out on other issues, thus contributing to the current political agenda.

While Baltic sovereignty, autonomy and independence are the clear aims of most Balts, these three words have different meanings. Baltic autonomy—in the economic sense—has been approved by Moscow and, beginning in January 1990, the three States will be granted a greater degree of control over their local economies. Sovereignty, defined as greater republic control over local issues, has also gotten the Kremlin green light. It is political independence, however, which has become the ultimate goal of the popular movements in each State.

Definitions of independence and programs for its achievement also vary within each State. Radical factions of the local populations posit secession from the Soviet Union as the only means of preserving their cultures. Others see the only realistic future for the three States within some sort of confederation with the Soviet Union. The radical Baltic "independence movements" reject Soviet institutions and are working to build alternate parliamentary structures. The Popular Fronts, on the other hand, stress the need to operate within existing Soviet parliamentary institutions, working to get their own candidates elected.

In September, there will be another two-person CSCE Commission staff delegation to the Baltic States to collect information on civil liberties, plans for economic reform, and the official Kremlin view of Baltic initiatives.

The Commission's report, due for release this November, will address various dimensions of the intense Baltic activism which have accelerated under Gorbachev's program for reform. The interplay of escalating popular demands and the Kremlin response to this direct challenge to its central authority makes the Baltic question a vital one for the future of the Soviet Union.

COMMISSION DELEGATION EXAMINES HUMAN RIGHTS IN TURKEY

From August 17-22, Helsinki Commission Chairman Dennis DeConcini and Commissioner Frank Lautenberg visited Turkey, joined by Congressman Bob McEwen on August 19. The delegation's goal was to help improve strong ties with Turkey by discussing and examining human rights issues affecting bilateral and CSCE relations. The Government of Turkey was extremely forthcoming and open with the delegation, demonstrating its commitment to democratic freedoms, human rights and the close United States-Turkey relationship. In addition to an in-depth discussion with Prime Minister Turgut Ozal, the group met with the Justice Minister, the Undersecretary of the Ministry of Foreign Affairs, regional and provincial Governors, leading human rights activists, lawyers, and journalists.

The Commission delegation was the first U.S. group to be allowed into a Turkish prison, a display of openness by Turkish authorities which was all the more remarkable for occurring during a period of great unrest in Turkish prisons. The delegation visited the Ankara State Prison and met with six individuals, who were specifically requested by the Senators.

Three prisoners, Celal Gul, Mahmet Bayrak and Bekir Kesen, had been on a hunger strike, along with thousands of others across Turkey, for 12 days. Each had been arrested for association with *Ozgur Gelecek*, a journal whose contents include articles on the situation of Turkey's Kurdish population. None had participated in or advocated violence of any kind. A fourth individual, Dr. Nuray Ozkan, was arrested after her speech to a women's conference in Istanbul on the rights of Kurdish women was reprinted in *Ozgur Gelecek*. At the time of the delegation's visit she was 7 months pregnant, had yet to be given a trial date, and was being held in maximum security conditions, including solitary confinement. Though none cited instances of mistreatment while in the prison system, some claimed to have been tortured while detained in police stations. Senators DeConcini and Lautenberg, in a letter presented to the Prime Minister, asked that these individuals be released immediately, along with at least 57 others who are incarcerated, in contravention of Helsinki commitments, for non-violent expression. Dr. Ozkan was released September 27 to await trial, although the others remain detained.

The Commissioners also met with Haydar Kutlu and Nihat Sargin, leaders of leftwing political parties that are illegal under Turkish law. They were arrested 23 months ago when they returned to Turkey, after living abroad, with the intention of establishing a Turkish Communist Party through peaceful means. They have yet to be tried and both claim to have been tortured; two of their defense lawyers have also been detained and allegedly tortured. The Commission asked the Prime Minister to ensure that the two go to trial immediately, or, to obtain their release, if the authorities do not have enough evidence to proceed with prosecuting them on the charge that they participated in violent criminal activity.

The Commission delegation also toured an Iraqi Kurdish refugee camp near Diyarbakir and a tent city where Turkish refugees from Bulgaria temporarily reside, marking another unprecedented aspect of the trip since no other U.S. delegation has visited both groups of refugees. The influx of over 300,000 ethnic Turks from Bulgaria this year and more than 60,000 Kurds from Iraq last year has strained Turkish Government resources and created severe strains on local economies.

Approximately 15,000 Iraqi Kurds live in the camp outside Diyarbakir, which was constructed as temporary housing for disaster victims. Although the Turkish Government has provided these refugees with adequate supplies of food, water, and medicine, the Iraqi Kurds live in extremely crowded conditions, with 35-45 persons sharing empty, two-bedroom apartments. The Turkish Government has not granted them official refugee

status, classifying them, instead, as temporary visitors; nor does it allow them to teach their children Kurdish, the only language most of them speak. Moreover, employment opportunities are virtually non-existent.

The refugees denied having any aspirations for an independent Kurdish State and expressed their willingness to reside in any nation that would accept them, although they would prefer Turkey. They confirmed that the Iraqis used chemical weapons on Kurdish villages a year ago.

Since returning to Washington, Senator DeConcini secured acceptance of an amendment to the Foreign Operations appropriations bill providing \$5 million to aid the UNHCR in constructing a permanent settlement for the refugees. The new housing will be completed before the onset of winter, which claimed hundreds of lives last year.

The delegation traveled into Bulgaria for meetings with officials regarding the exodus of Bulgarian Turks into Edirne province. At a tent city where refugees awaiting permanent resettlement are encamped, individuals expressed concern about the oppressive conditions in Bulgaria and for relatives, including men of military age, left behind in Bulgaria because they had not received permission to cross the border. Many complained of not being allowed to take all of their belongings with them, having to leave money behind in banks, and having to pay officials "compensation" for the time they would have spent harvesting crops if they had remained in Bulgaria before they received permission to leave. Several individuals informed the delegation of being held in squalid camps, hidden in wooded areas away from the border, for up to 2 weeks before authorities allowed them to move to the border.

The delegation then visited the actual border crossing point at Kapikule and witnessed an endless, chaotic flow of refugees hauling carts piled high with their possessions. Their complaints echoed those raised in the tent city.

The delegation crossed the border into Bulgaria for meetings with authorities regarding the refugee crisis. Expressing shock

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At the Iraqi Kurdish refugee facility in Diyarbakir, Chairman DeConcini and Commissioner Lautenberg discuss with Kurdish leaders their problems and possible assistance the United States could provide.

(Turkey Trip—continued)

that such a "mass deportation" was occurring in light of Bulgaria's Helsinki commitments, they condemned Bulgarian treatment of the ethnic Turkish minority and warned of increasing world outrage. The U.S. lawmakers urged the Bulgarian Government to enter into negotiations with Turkey concerning their treatment of the ethnic Turks and the regulation of the flow of refugees, warning of adverse consequences for the upcoming Sofia CSCE meeting on the environment if talks do not begin. Chairman DeConcini also passed the Bulgarians a list of humanitarian cases, based on information collected during interviews with refugees in Turkey, which the Commission wishes to see resolved.

The delegation then traveled to the Svilengrad railroad station to meet with a group of ethnic Turks who said they had just returned from Turkey. It appeared obvious, and the prominent presence of Bulgarian television cameras provided additional evidence, that these individuals were involved in a staged propaganda event. They criticized conditions in Turkey, claiming to have been tourists with no intentions of remaining. One man privately told the delegation of being unable to find a job in Turkey, and though unhappy about returning, he felt he could provide better for his family in Bulgaria.

The final stop in Bulgaria was a holding area where the Government keeps refugees before allowing them to proceed to the border. Because the government had made no provision for lodging, the refugees, most of whom reported having to stay 4 to 5 days in this zone, slept underneath their vehicles at night. The Turkish Government had announced earlier on the day of the delegation's visit that the border would henceforth be closed and a visa entry policy reinstated and the prospective emigrants anxiously voiced to the Americans their concern about the implications of the policy change. Senator DeConcini recently cosponsored with Senator Byrd an amendment to the foreign operations appropriations bill providing ten million dollars to Turkey to aid the Bulgarian refugees.

The delegation met with numerous human rights advocates, including legal experts and journalists, who generally agreed that Turkey had made major strides towards full democracy and greater respect for human rights since the reinstatement of a civilian government in 1983. Many also contended, however, that torture, including beatings, electric shock, sleep deprivation, and suspension by the arms or legs, occurred regularly in police stations during initial periods of detention. During this phase of incarceration, which can last up to a month, individuals are not allowed access to lawyers. Despite the increasing rate of torture

convictions, the courts more commonly are either unresponsive or unable to investigate abuses, since victims often have no visible signs of mistreatment and are frequently unable to identify their torturers who regularly use blindfolds and code names.

The delegation also examined the right of individuals to express themselves freely. It found that numerous articles of the Turkish Penal Code, including 141, 142, and 163, which ban "propaganda promoting the goals of one social class over another," are used in the arrests of journalists and other citizens who express views that the Government deems detrimental to the Turkish Republic. Most often these articles are invoked against Communists, Islamic fundamentalists and advocates of Kurdish aspirations. In some cases, journalists have received longer sentences for writing articles, than have individuals who committed murder. There has been increased debate within governmental spheres concerning the abolishment or amendment of such articles. Prime Minister Ozal told the delegation that he favored such action.

The Commission made the following recommendations in the letter presented to the Prime Minister:

—Amending or abolishing articles 141, 142, and 163 of the Turkish Penal Code, which make various forms of non-violent expression a punishable offense.

—Providing detainees immediate access to lawyers and strictly limiting the maximum incommunicado detention to 48 hours, since most torture is alleged to occur during extended periods of detention.

—Removing from detention centers devices that could be used for such illegal treatment.

Since returning to the U.S. a number of important developments have further demonstrated the government of Turkey's commitment to human rights and freedoms. On September 17 the Minister of Justice announced that it would act to insure the rights of detainees to lawyers throughout any pre-arraignment detentions. In addition, the Justice Ministry proposed for parliamentary approval a reduction of the maximum detention period from 15 to 4 days and restrictions on the employment of the death penalty. In Strasbourg, before the Council of Europe, Prime Minister Ozal also announced that Turkey would accept the compulsory jurisdiction of the European Court of Human Rights and that Articles 141, 142, and 163 would be abolished. No timetable was given, but these issues will likely be debated by the Turkish Grand National Assembly, which recently reconvened for a new legislative session.

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CSCE DIGEST

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